

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3597 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SHAIKH ASSOCIATES

Versus

STATE OF GUJARAT

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Appearance:

MS MEGHA JANI for Petitioner  
MR SP DAVE ASSTT.GOVERNMENT PLEADER  
for Respondent No. 1  
SERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 10/07/97

ORAL JUDGEMENT

Heard Ms Jani for the petitioner and Mr.Dave AGP  
for the respondents. Rule. Rule returnable forth with.  
Both the advocates have made their submissions.

2. This petition raises mainly one question of law.

The petitioner had applied for a plot of land situated in Sector No.29 at Gandhinagar. Minimum expected price of the land was Rs.1,000/- per sq.mt, whereas the petitioner had offered Rs.1,264/- and turned out to be the highest bidder. It appears that inspite of the highest bid of the petitioner, the petitioner's bid was not accepted because higher amount was given for some other plot of land situated nearby the said land. That is how the said auction was rejected by an order dt. 5/2/1993 passed by the District Collector. This order has been confirmed by the Deputy Secretary, Revenue by an order dt. 14th August, 1993.

3. Ms.Jani submits that initial order of Collector has been passed without hearing the petitioner. Mr.Dave cannot dispute this factual aspect. In that view of the matter, impugned orders are requires to be set aside. The Collector, Gandhinagar will hear the petitioner afresh and take necessary decision in this matter. The impugned orders are passed way back in the year 1993. This order is made in view of petitioner's statement that concerned plot of land has not been allotted to anybody which facts are ascertained and accepted by the respondents. This order is also made on the footing that since nearly five years have gone in the meanwhile, in the event, any order is passed in favour of the petitioner, the petitioner is ready for appropriate revision in the price of land. The Collector will however take into consideration the fact that entire price of the plot of land has been deposited by the petitioner. Needless to state that the respondents will maintain status quo till decision is taken by the Collector. Rule is made absolutely accordingly, with no order as to costs.

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